

NORTH DAKOTA STATE WATER COMMISSION

REGISTER

ATTENDANCE AT STATE WATER COMMISSION

DATE 4-15-77 PLACE HOLIDAY INN

MINOT, N.D. PROJECT NO. _____

Your Name	Your Address	Who do you Represent? (Or Occupation)
Russ Dushynske	Minot	N. D. Water Users
Leroy Larson	Bethel	Mountain Water Users
Ray Kiergaard	Stanley	" " "
Lana Frankson	Ross	Mountain Water Users
Willard Webster	Williston	Mountain Water Users Consulting Engin
Stephen M. Hertzog	BISMARCK	NDSWC
DAVID SPRYNGER	Bismarck	SWC
Matt Emerson		
Murray Sagaveen		
Vern Foley		
Myron Just		
Arlene Wilhelm		
Al Kramer		
Gordon Gray		
Art Lang		

Dave Ripley

MINUTES

North Dakota State Water Commission
 Meeting Held At
 Holiday Inn (Burgundy Room)
 Minot, North Dakota

April 15, 1977

The North Dakota State Water Commission held a meeting on April 15, 1977, at the Holiday Inn, Minot, North Dakota. Alvin Kramer, Acting Chairman, called the meeting to order at 9:00 a.m., and requested Secretary Vernon Fahy to present the agenda.

MEMBERS PRESENT:

Richard Gallagher, Vice Chairman, Mandan
 Alvin Kramer, Member from Minot (Acting Chairman until Vice Chairman arrived)
 Gordon Gray, Member from Valley City
 Arthur Lanz, Member from Devils Lake
 Arlene Wilhelm, Member from Dickinson
 Myron Just, Commissioner, Department of Agriculture, Bismarck
 Vernon Fahy, Secretary and State Engineer, North Dakota State
 Water Commission, Bismarck

MEMBERS ABSENT:

Arthur A. Link, Governor-Chairman

OTHERS PRESENT:

State Water Commission Staff Members
 Russ Dushinske, Executive Vice President, North Dakota Water Users
 Association, Minot
 William Huether, Lisbon
 Arley Hammer, Englevale
 Ed Smith, Minot
 Gerald Leeson, Berthold, Representing Mountrail Water Users
 Ray Riersgard, Stanley, Representing Mountrail Water Users
 Gene Frandson, Ross, Representing Mountrail Water Users
 Willard Webster, Williston, Consulting Engineer, Representing Mountrail
 Water Users

Attendance Register is on file in the State Water Commission office for the April 15, 1977 meeting (filed with official copy of Minutes)

Proceedings of this meeting were tape recorded to assist in compilation of the minutes.

**CONSIDERATION OF MINUTES
OF MARCH 24, 1977 MEETING -
APPROVED**

Secretary Fahy reviewed the uncirculated minutes of the March 24, 1977 meeting and discussed the proceedings that took place.

It was moved by Commissioner Just, seconded by Commissioner Lanz, and carried, that the minutes be approved as presented.

**CONSIDERATION OF REQUEST FROM
MOUNTRAIL WATER USERS ASSOCIATION
FOR STATE PARTICIPATION IN
GROUND-WATER STUDY IN COUNTIES
OF MOUNTRAIL, WARD AND MCLEAN
(SWC Project No. 1675)**

Mr. Ray Riersgard, President of the Mountrail Water Users Association, presented a request for 50 percent financial participation in the amount of \$20,300 of an estimated \$40,600 study for ground-water supplies for their rural water district. Mr.

Riersgard stated that the area of the district covers all of Mountrail County except the northwest corner, five miles into McLean County, and twelve miles into Ward County, and that the district had some 800 members including seven or eight cities.

Mr. Willard Webster, Consulting Engineer, explained economic reasons preventing the use of water from Lake Sakakawea.

Secretary Fahy stated that financial assistance could not be in accordance with regular Commission policy because our staff workload precludes our doing the study.

It was moved by Commissioner Just that the Commission approve an exception to the regular policy, and that it participate financially in an amount up to \$20,300 for a consultant study under the guidelines and coordination of the State Water Commission staff, subject to the availability of funds. The motion was seconded by Commissioner Lanz. All members voted aye; the motion carried.

**REQUEST FROM GRAND FORKS
COUNTY DRAIN BOARD FOR
STATE WATER COMMISSION
COST SHARING FOR GRAND
FORKS COUNTY DRAIN NO. 42
(SWC Project No. 1641)**

Secretary Fahy presented a delayed request from the Grand Forks County Drain Board for financial participation up to 40 percent, or \$55,900 of qualified construction costs. He stated that the drain design had been approved and that an earlier legal problem had been

cleared by the Attorney General.

April 15, 1977

It was moved by Commissioner Lanz to approve financial participation for the Grand Forks County Drain No. 42 up to 40 percent of qualified construction costs, not to exceed \$55,900 subject to the availability of funds. The motion was seconded by Commissioner Gray. All members voted aye, and the motion carried.

**RED RIVER DIKING DISCUSSION
AND RESOLUTION FROM GRAND
FORKS COUNTY
(SWC Project No. 1638)**

Secretary Fahy read a resolution adopted February 17, 1977, by the Grand Forks County Commissioners supporting the efforts of private diking along the Red River to protect agricultural land.

He explained previous history of the dike construction.

Steve Hoetzer, Dave Sprynczynatyk and Murray Sagsveen reviewed the diking problem by use of topographic maps and photos.

A request was made by Grand-Walsh Association members to dike a breakout of the Red River near the Marais River and control floodwaters along the same river to a dike and outlet structure where the Turtle River along with the Marais River flows enter the Red River near Manvel.

A discussion followed regarding the request. Discussed were water management district responsibilities, public hearings and alternatives.

The consensus of the Commission was that they could approve a request for the Marais and Turtle Rivers project if the local water management districts became involved. The involvement would include public hearings and recommendations. The request should not be presented in a manner that would affect the ability of the Water Commission to deal with the Red River diking problem.

A draft of preliminary criteria for Red River dike construction was reviewed. Possible legal actions were discussed by Murray Sagsveen.

The Commission requested the staff to develop legal or other alternatives for future decisions relative to the diking problem. The Commission also requested Mr. Sagsveen to meet with the Corps of Engineers concerning its jurisdiction over diking activities on the Red River.

**YELLOWSTONE RIVER
LEVEL "B" STUDY
(SWC Project No. 1507)**

Commissioner Wilhelm reported on the planned activity for the next meeting of the study group, which is to review

April 15, 1977

recommendations from agencies and interested persons. She circulated copies of the recommendations for the Platte River Level "B" Study along with copies of recommendations that she has made.

STATEWIDE DRAINAGE AND
FLOOD CONTROL DISCUSSION
(SWC Project No. 1053)

Secretary Fahy reported that, under drainage and flood control, new legislation (H.B. 1441) has been passed to allow organization of two or more water management districts to solve common watershed problems. He cited also the authority to levy two mills for the projects in joint venture.

He recommended that the districts use the new authority and that this was being stressed during the current area water management meetings.

Murray Sagsveen advised that the water management district mill levy had been increased from three to four mills by the legislature. The legislature also approved a measure increasing from 40 to 80 acres the maximum area that could be drained without a permit.

The Commission advised the State Engineer that it would limit its financial participation in drainage to new construction and that greater detail must be provided to justify future requests for drainage projects.

SOIL AND WATER
COMPATIBILITY FOR
IRRIGATION
(SWC Project No. 1400)

Secretary Fahy reported on a meeting held by the U. S. Soil Conservation Service to discuss standards that may be used in determining compatibility for irrigation. The meeting included federal and state agencies involved, as well as soils specialists.

All agreed to the need, but Secretary Fahy reported on the difficulty of establishing acceptable standards. A task force is currently working on the problem.

Under discussion, it was suggested that soil and water compatibility information, if available, should appear on the water permit agenda.

Standards, when developed, will be presented to the Commission.

DISCUSSION OF WATER
USE FEES
(SWC Project No. 1400)

Murray Sagsveen circulated a draft, for discussion purposes, of proposed rules and regulations governing water use fees. He cited the past legislation authorizing water fees and new legislation to strengthen the position of the State Engineer and the Commission. He also noted that the recent industrial water permits were granted along with contracts calling for water use fees.

April 15, 1977

Discussions were held relative to the extent of charges in terms of present or past use.

A special meeting is to be scheduled to complete recommended rules and regulations.

CONSIDERATION OF WATER
PERMIT REQUESTS
(SWC Project No. 1400)

Secretary Fahy presented APPENDIX "A" representing the water permit agenda for the Commission's consideration.

Permit No. 2511 for William Huether was considered first. Action on Permit No. 2511 was deferred at the last meeting.

Secretary Fahy read the conditions related to recommendation to grant an additional 150.0 acres in Section 36, Township 134 North, Range 60 West, and 300.0 acres in Section 32, Township 133 North, Range 60 West.

Discussions were held relative to aquifer conditions and basis for recommendation.

It was moved by Commissioner Just to divide the permit for separate action at each location. The motion was seconded by Commissioner Wilhelm. All members voted aye; the motion carried.

It was moved by Commissioner Kramer to approve 225.0 acre-feet annually for 150.0 acres in the NE $\frac{1}{4}$ of Section 36. The motion was seconded by Commissioner Gray. The motion carried by a four to two roll call vote.

It was moved by Commissioner Gray, and seconded by Commissioner Kramer, to approve 450.0 acre-feet to irrigate 300.0 acres in the E $\frac{1}{2}$ of Section 32. All members voted aye; the motion carried.

It was moved by Commissioner Wilhelm to approve the balance of water permits listed on the agenda as recommended by the State Engineer, deferring action on Water Permit No. 2696, which is Husky Industries, Inc. The motion was seconded by Commissioner Gray.

April 15, 1977

Under discussion of the motion, it was explained by Commissioner Wilhelm that the pollution situation caused by the Husky plant had not been corrected in spite of Health Department efforts.

On the call of the question, all members voted aye; the motion carried. The following water permits were approved, subject to conditions indicated on each respective request: No. 2711 - Carl A. Rogne, Dazey; No. 2617 - Forest Fire Mountain Ski Resort, Grand Forks; No. 2566 - David P. Nelson, Lisbon (this request was approved by the State Engineer on April 7, 1977); No. 2684 - Irvin Huseeth, McLeod; No. 2582 - Glenn Weisenhaus, Lisbon; No. 2647 - Morris Yagow, Milnor; No. 2633 - City of Stanton; No. 2687 - Ronald Seefeldt, LaMoure; No. 2511 - William D. Huether, Lisbon (a portion granted which had been held in abeyance); No. 2474 - Torrey Berge, Hannaford; No. 2686 - Jerome Seefeldt, LaMoure; and *No. 2661 - Darrie Peterson, Warwick.

The following water permit requests were deferred: No. 2691 - Harry J. Turbiville, Marmarth; No. 2685 - Rockeman-Foss Ranch, Sidney, Montana; No. 2681 - City of Woodworth; No. 2688 - Walter Streifel, Esmond; No. 2693 - Carl L. Satrom, Page; No. 2698 - Kenneth E. Huebner, Grand Forks; No. 2704 - Gerald Dick, Englevale; No. 2706 - Howard Heley, Lidgerwood; No. 2707 - Wilmer B. Moen, Galesburg; No. 2708 - Larry Quesenberry, Carrington; No. 2700 - Donald M. and Ruth L. Garnas, Page; No. 2702 - Donald M. and Ruth L. Garnas, Page; No. 2705 - Everetts & Associates, Inc., and Pipestem Sand and Gravel, Jamestown; No. 2709 - Dennis Backstrom, Maddock; No. 2716 - Kenneth Moser, Pollock, S.D.; No. 2719 - Larry L. Vasvick, Ellendale; No. 2721 - Curtis N. Knutson, Oakes; No. 2722 - City of Sheyenne; No. 2723 - Art Trautmann, Robinson; No. 2724 - Joseph Pleines, Woodworth; No. 2727 - E. A. Visto, Oakes; No. 2728 - Francis J. Ficenech, Milnor; No. 2729 - Gilmore and Philip Jondahl, Hope; No. 2618 - Park Board City of

* Although the permit was reviewed and approved by the State Water Commission, the State Engineer has determined that further review is necessary.

April 15, 1977

Stanton; No. 2734 - Ingstad Land & Cattle Co., Valley City; and No. 2696 - Husky Industries, Inc., Dickinson.
(SEE APPENDIX "A")

Murray Sagsveen was asked to look into the status of pollution control at the plant site and report back to the Commission, relative to water permit No. 2696.

**LEGISLATIVE STATUS
REPORT**

Murray Sagsveen circulated copies of the final status of legislation of direct or indirect interest to the Commission.

Discussions centered on Senate Bill 2062 which was the legislative study recommendations for appropriation of water.

Commissioner Wilhelm cited Commission responsibilities in light of a recent letter indicating the Public Service Commission's facility siting authority may be limited.

**CONSIDERATION OF
FINANCIAL STATEMENT**

A financial report was given by Secretary Fahy and Matt Emerson. Limited travel funds were discussed.

Vice Chairman Gallagher requested that percentage of contract funds encumbered be also shown on the Account Budget Summary.

It was moved by Commissioner Kramer to acknowledge receipt of the financial statement as presented. Commissioner Lanz seconded the motion, and all members voted aye. The motion carried.

**DISCUSSION ON ACREAGE
LIMITATIONS FOR IRRIGATION
(SWC Project No. 1400)**

Draft copies, for discussion purposes, of Acreage Limitations for Irrigation Water Permittees were circulated by Murray Sagsveen.

Discussions followed regarding various points of view. Further consideration will be discussed after more proposals are presented by Commission staff.

Some of the considerations from this meeting's discussions are: time limitations, irrigation district approach, and an acreage limitation plus time moratorium for balance when considering water permit filings having large acreage requests.

April 15, 1977

The meeting was adjourned at 5:00 p.m.



Arthur A. Link
Governor-Chairman

ATTEST:



Vernon Fahy
State Engineer and Secretary

April 15, 1977

WATER PERMIT AGENDA FOR APRIL 15, 1977 MEETING

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2691	Turbville, Harry J. - Marmarth (Bowman County)	Little Missouri River, trib. to Missouri River	Irrigation	640.0 acre-feet 330.0 acres	It is recommended that action be deferred due to lack of time to completely review request.
2685	Rockeman-Foss Ranch - Sidney, Montana (McKenzie County)	Little Missouri River, trib. to Missouri River	Irrigation	130.0 acre-feet 94.0 acres	It is recommended that action be deferred due to lack of time to completely review request.
2681	Woodworth, City of - Woodworth (Stutsman County)	Ground Water	Municipal	65.7 acre-feet	It is recommended that action be deferred due to lack of time to completely review request.
2688	Strelfel, Walter - Esmond (Benson County)	Ground Water	Irrigation	200.0 acre-feet 160.0 acres	It is recommended that action be deferred due to lack of time to completely review request.
2693	Satrom, Carl L. - Page (Cass County)	Ground Water	Irrigation	360.0 acre-feet 240.0 acres	It is recommended that action be deferred due to lack of time to completely review request.
2698	Huebner, Kenneth E. - Grand Forks (Ransom County)	Ground Water	Irrigation	164.4 acre-feet 109.6 acres	It is recommended that action be deferred due to lack of time to completely review request.
2704	Dick, Gerald - Engelvale (Ransom County)	Sheyenne River, trib. to Red River	Irrigation	132.0 acre-feet 66.0 acres	It is recommended that action be deferred due to lack of time to completely review request.

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2706	Heley, Howard - Lidgerwood (Richland County)	Ground Water	Irrigation	402.0 acre-feet 268.0 acres	It is recommended that action be deferred due to lack of time to completely review request.
2707	Moen, Wilmer B. - Galesburg (Cass and Traill Cos.)	Ground Water	Irrigation	1440.0 acre-feet 960.0 acres	It is recommended that action be deferred due to lack of time to completely review request.
2708	Quesenberry, Larry - Carrington (Foster County)	Ground Water	Irrigation	285.2 acre-feet 142.6 acres	It is recommended that action be deferred due to lack of time to completely review request.
2700	Garnas, Donald M. and Ruth L. - Page (Cass County)	Ground Water	Irrigation	105.0 acre-feet 320.0 acres	It is recommended that action be deferred due to lack of time to completely review request.
2702	Garnas, Donald M. and Ruth L. - Page (Cass County)	Ground Water	Irrigation	468.0 acre-feet 312.0 acres	It is recommended that action be deferred due to lack of time to completely review request.
2705	Everetts & Associates, Inc., and Pipestem Sand and Gravel - Jamestown (Stutsman County)	Pipestem Creek, trib. to James River, and/or Ground Water	Industrial	300.0 acre-feet	It is recommended that action be deferred due to lack of time to completely review request.

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2709	Backstrom, Dennis - Maddock (Benson County)	Ground Water	Irrigation	640.0 acre-feet 312.0 acres	It is recommended that action be deferred due to lack of time to completely review request.
2711	Rogne, Carl A., Jr. - Dazey (Barnes County)	Ground Water	Irrigation	320.0 acre-feet 160.0 acres	210.0 acre-feet 140.0 acres
2716	Moser, Kenneth - Pollock, S.D. (Emmons County)	Oahe Reservoir	Irrigation	154.0 acre-feet 77.0 acres	It is recommended that action be deferred due to lack of time to completely review request.
2719	Vasvick, Larry L. - Ellendale (Dickey County)	Ground Water	Irrigation	1148.2 acre-feet 574.4 acres	It is recommended that action be deferred due to lack of time to completely review request.
2721	Knutson, Curtis N. - Oakes (Dickey County)	Ground Water	Irrigation	780.0 acre-feet 454.3 acres	It is recommended that action be deferred due to lack of time to completely review request.
2722	Sheyenne, City of - Sheyenne (Eddy County)	Ground Water	Municipal	100.0 acre-feet	It is recommended that action be deferred due to lack of time to completely review request.

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2723	Trautmann, Art - Robinson (Kidder County)	Ground Water	Irrigation	403.2 acre-feet 268.8 acres	It is recommended that action be deferred due to lack of time to completely review request.
2724	Pleines, Joseph - Woodworth (Stutsman County)	Ground Water	Irrigation	271.7 acre-feet 181.2 acres	It is recommended that action be deferred due to lack of time to completely review request.
2727	Visto, E. A. - Oakes (Dickey County)	Ground Water	Irrigation	121.5 acre-feet 83.1 acres	It is recommended that action be deferred due to lack of time to completely review request.
2728	Ficenec, Francis J. - Milnor (Ransom County)	Ground Water	Irrigation	533.5 acre-feet 320.1 acres	It is recommended that action be deferred due to lack of time to completely review request.
2729	Jondahl, Gilmore and Phillip - Hope (Steele County)	Ground Water	Irrigation	2290.0 acre-feet 1526.7 acres	It is recommended that action be deferred due to lack of time to completely review request.
2618	Park Board, City of Stanton - Stanton (Mercer County)	Ground Water	Irrigation	29.26 acre-feet 14.63 acres	It is recommended that action be deferred due to lack of time to completely review request.

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2734	Ingstad Land & Cattle Co. - Valley City (Stutsman County) Priority: 1-4-77 Hearing: 4-11-77	Ground Water and Chicago Lake	Irrigation	3000.0 acre-feet (2750.0 Ground Water) (250.0 Chicago Lake) 2165.85 acres (1938.10 Ground Water) (227.75 Chicago Lake)	It is recommended that action be deferred due to lack of time to completely review request.
2617	Forest Fire Mountain Ski Resort - Grand Forks (Cavalier County) Priority: 11-16-76 Hearing: 12-13-76 Deferred: 2-11-77	Pembina River, trib. to Red River of the North	Industrial (Snowmaking)	10.0 acre-feet	10.0 acre-feet
2661	Peterson, Darrie - Warwick (Benson County) Priority: 12-20-76 Hearing: 2-14-77 Deferred: 3-24-77	Ground Water	Irrigation	315.0 acre-feet 157.6 acres	202.5 acre-feet 135.0 acres
2566	Nelson, David P. - Lisbon (Ransom County) Priority: 12-20-76 Hearing: 1-18-77 Deferred: 2-11-77	Ground Water	Irrigation	960.0 acre-feet 480.0 acres	Recommend for approval: 210.0 acre-feet 135.0 acres from SE¼ of Sec 14-133-55 (Remaining portion of request shall be held in abeyance) (This request was approved by the State Engineer on April 7, 1977)

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2684	Huseth, Irvin - McLeod (Richland County) Priority: 1-13-77 Hearing: 2-22-77 Deferred: 3-24-77	Ground Water	Irrigation	320.0 acre-feet 160.0 acres	210.0 acre-feet 135.0 acres
2582	Weisenhaus, Glenn - Lisbon (Ransom County) Priority: 10-22-76 Hearing: 12- 6-76 Deferred: 2-11-77	Ground Water	Irrigation	240.0 acre-feet 160.0 acres	210.0 acre-feet 135.0 acres
2647	Yagow, Morris - Milnor (Ransom County) Priority: 12- 3-76 Hearing: 1-24-77 Deferred: 2-11-77	Ground Water	Irrigation	640.0 acre-feet 320.0 acres	Recommend for approval: 120.0 acre-feet 80.0 acres from SW $\frac{1}{4}$ of Section 29-133-54 (Remainder of request shall be held in abeyance)
2633	Stanton, City of - Stanton (Mercer County) Priority: 11-24-76 Hearing: 2-28-77 Deferred: 3-24-77	Ground Water	Municipal	800.0 acre-feet	500.0 acre-feet
2687	Seefeldt, Ronald - LaMoure (LaMoure County) Priority: 1-13-77 Hearing: 3-21-77 Deferred: 3-24-77	Ground Water	Irrigation	240.0 acre-feet 160.0 acres	203.0 acre-feet 135.0 acres

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2511	Huether, William D. - Lisbon (LaMoure County)	Ground Water	Irrigation	The Commission granted a portion of this request (675.0 acre-feet to irrigate 450.0 acres) on Sept. 28, 1976, and an additional 2370.0 acre-feet has been held in abeyance.	Based on available data, it was recommended that an additional 225.0 acre-feet to irrigate 150.0 acres from the NE $\frac{1}{4}$ of Section 36 be released. It was also recommended that 450.0 acre-feet to irrigate 300.0 acres from the NE $\frac{1}{4}$ and SE $\frac{1}{4}$ of Section 32 be released. This request was deferred at the Commission's March 24, 1977 meeting.
					For consideration by the Commission at their April 15, 1977 meeting, it is recommended that the amounts described in paragraph 2 be released.
					By releasing these amounts, the total amounts granted to the applicant would be 1350.0 acre-feet to irrigate 900.0 acres. (The remainder of that portion being held in abeyance would continue to be held in abeyance.)
2474	Berge, Torrey - Hannaford (Griggs County)	Ground Water	Irrigation	857.0 acre-feet 571.3 acres	240.0 acre-feet 160.0 acres (The remainder of this request shall be held in abeyance.)
	Priority: 6-25-76 Hearing: 8- 2-76 Deferred: 9-28-76				
2696	Husky Industries, Inc. Dickinson (Stark County)	Ground Water	Industrial	300.0 acre-feet	245.0 acre-feet
	Priority: 1-25-77 Hearing: 2-28-77 Deferred: 3-24-77		(This request was deferred by the State Water Commission on April 15, 1977)		

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2686	Seefeldt, Jerome - LaMoure (LaMoure County)	Ground Water	Irrigation	180.0 acre-feet 120.0 acres	158.0 acre-feet 105.0 acres
	Priority: 1-13-77 Hearing: 3-21-77 Deferred: 3-24-77				